REMARKS

Claims 1-17 are pending in the application. The Examiner has rejected Claims 1, 3-7 and 9-11 under 35 U.S.C. §102(e) as being anticipated by Belaiche (U.S. Patent 6,501,748). The Examiner has rejected Claims 2 and 8 under 35 U.S.C. §103(a) as being unpatentable over Belaiche in view of Andersen et al. (U.S. Patent 5,674,003). The Examiner has rejected Claims 12-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Belaiche in view of Davis et al. (U.S. Patent 6,781,971). The Examiner has rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Belaiche and Davis et al., and further in view of Berrou, C. et al., Near Shannon Limit Error-Correcting Coding And Decoding: Turbo Codes, IEEE International Conference on Communications, Volume 2, 23-26, May 1993, Pages: 1064-1070, vol. 2 (Berrou).

On December 15, 2005 a telephone interview was conducted between the Applicants representative, Michael J. Musella, and the Examiner. Although no agreement was reached, it is gratefully acknowledged that the Examiner would reconsider the arguments presented. During the interview it became clear that the rejections were equating a general rate matching process with the process set forth in the claims of the present application. The novel process was carefully explained to the Examiner, namely that the claims of the present application are not directed to a general rate matching process, but are directed to an apparatus and method for providing different QoS levels by performing both puncturing and repeating processes based on priority levels of data. The Examiner requested that the clarification be presented in an after-Final Request for Reconsideration.

Regarding the rejection of independent Claim 1, the Examiner states that Belaiche anticipates all of the elements of this claim. Applicants respectfully disagree. Belaiche discloses a method for balancing the ratio EB/I in a service multiplexing CDMA system and telecommunication systems using the same. Consideration of the following arguments contained in the prior Response were not addressed. Claim 1 recites that *both* a repeating and a puncturing process are performed; Belaiche discloses that a repeating *or* a puncturing process is performed

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(see Belaiche, col. 4, line 61, "either by repetition or by puncturing"). Claim 1 recites that the repeating *and* puncturing is performed based on priority levels; Belaiche's puncturing *or* repeating is based on an algorithm based on the number of bits to be processed. Claim 1 recites that the number of repeated code symbols are equal to the number of punctured code symbols; Belaiche *does not* repeat *and* puncture so these numbers cannot be equated in any way or manner. For at least the foregoing reasons, Claim 1 cannot be anticipated by Belaiche. Based on at least the foregoing, withdrawal of the rejection of independent Claim 1 is respectfully requested.
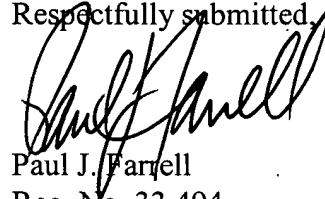
Regarding the rejection of independent Claim 7, the Examiner states that Belaiche anticipates all of the elements of this claim. Applicants respectfully disagree. Claim 7 recites that transmission data streams are classified by priority level; Belaiche does not actually classify any information. Again, the following arguments contained in the prior Response were not addressed in the present Office Action. Claim 7 recites repeating code symbol sequences with higher priority levels, *and* puncturing code symbol sequences with lower priority levels; as stated above, Belaiche does not repeat *and* puncture, and any repeating *or* puncturing is based on an algorithm based on numbers of bits to be processed. Claim 7 recites that the number of repeated code symbols are equal to the number of punctured code symbols; Belaiche *does not* repeat *and* puncture so these numbers cannot be equated in any way or manner. For at least the foregoing, Claim 7 cannot be anticipated by Belaiche. Based on at least the foregoing, withdrawal of the rejection of independent Claim 7 is respectfully requested.

Regarding the rejection of independent Claim 12, the Examiner states that Claim 12 is unpatentable over Belaiche in view of Davis et al. Davis et al. discloses a system and method for prioritizing traffic channel messages. For at least the reasons set forth above with respect to Claim 7, Belaiche cannot render Claim 12 unpatentable. Davis et al. does not cure any of the defects of Belaiche. For at least the foregoing reasons, Claim 12 cannot be deemed unpatentable over Belachi in view of Davis et al. Based on at least the foregoing, withdrawal of the rejection of independent Claim 12 is respectfully requested.

Independent Claims 1, 7 and 12 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-6, 8-11 and 13-17, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-6, 8-11 and 13-17 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-17, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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